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September 30, 2010

MITIGATED NEGATIVE DECLARATION

Project Name: Baldwin Major Subdivision (14 Lots); Tentative Map and Administrative Permit

Project Number(s): 3100-5502 (TM), 3000-10-042 (AD)

This Document is Considered Draft Until it is Adopted by the Appropriate County of San Diego Decision-Making Body.

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for Archaeology, Biology, Fire Protection, Drainage Study, and Stormwater Management Plan
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that

there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

- (1) The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

(Tentative Map Conditions)

APPROVAL OF MAP: THE FOLLOWING SPECIFIC CONDITIONS SHALL BE COMPLIED WITH BEFORE A FINAL MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY OF SAN DIEGO RECORDER: (and where specifically, indicated, conditions shall also be complied with prior to the approval and issuance of grading or other permits as specified):

B. BIOLOGY

- (1) **BIOLOGICAL EASEMENT: [DPLU, PCC] [DPR TC, GPM] [DGS, RP] [MA, GP, IP] [DPLU, FEE X 2].** **Intent:** In order to protect sensitive biological resources, pursuant to CEQA as implemented by the County of San Diego Guidelines for Determining Significance for Biological Resources and the Resource Protection Ordinance, a biological open space easement shall be granted. **Description of Requirement:** Grant to the County of San Diego as shown on the Approved Tentative Map. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exceptions to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.
- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use, Parks and Recreation or the Director of Public Works.
- c. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.

Documentation: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the recorded easement documents to [DPLU, PCC] for approval. **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the easements shall be executed and recorded. **Monitoring:** The [DGS, RP] shall prepare and approve the easement documents and send them to [DPLU, PCC] and [DPR TC, GPM] for preapproval. The [DPLU, PCC] shall preapprove the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [DPLU, PCC] for satisfaction of the condition.

(2) LBZ EASEMENT: [DPLU, PCC] [DGS, RP][MA, GP, IP] [DPLU, FEEX 2]

Intent: In order to protect sensitive biological resources, pursuant to CEQA as implemented by the County of San Diego Guidelines for Determining Significance for Biological Resources and the Resource Protection Ordinance, a Limited Building Zone Easement shall be granted to limit the need to clear or modify vegetation for fire protection purposes within an adjacent biological resource area. **Description of Requirement:** Grant to the County of San Diego a Limited Building Zone Easement as shown on the Tentative Map. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the

adjacent biological open space easement and prohibit the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

- a. Decking, fences, and similar facilities.
- b. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.

Documentation: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the recorded easement documents to [DPLU, PCC] for approval. **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the easements shall be recorded. **Monitoring:** The [DGS, RP] shall prepare and approve the easement documents and send them to [DPLU, PCC] for pre approval. The [DPLU, PCC] shall preapprove the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [DPLU, PCC] for satisfaction of the condition.

- (3) **OFF-SITE MITIGATION: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE X2] [DPR, GPM] Intent:** In order to mitigate for the impacts to southern coast live oak riparian forest, which is a sensitive biological resource pursuant to Resource Protection Ordinance, and CEQA as implemented by the County of San Diego Guidelines for Determining Significance for Biological Resources, offsite mitigation shall be acquired. **Description of Requirement:** The applicant shall purchase habitat credit, or provide for the conservation of habitat of a minimum of 0.90-acre of southern coast live oak riparian forest (minimum 0.30-acre creation component, and 0.60-acre enhancement component), located the Santa Margarita / Northern Foothill Eco-region and Santa Margarita River watershed as indicated below.

- a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Game. The

following evidence of purchase shall include the following information to be provided by the mitigation bank:

- i. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 - ii. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 - iii. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 - iv. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat of the same amount and type of land located in Santa Margarita / Northern Foothill Eco-region and Santa Margarita River watershed as indicated below:
- i. The type of habitat and the location of the proposed mitigation, should be pre-approved by [DPLU, PCC] before purchase or entering into any agreement for purchase.
 - ii. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of DPLU. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.
 - iii. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of DPLU. The land shall be protected in perpetuity.

- iv. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of DPLU: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
- c. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

Documentation: The applicant shall purchase the offsite mitigation credits and provide the evidence to the [DPLU, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [DPLU PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [DPLU, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [DPLU, ZONING]. **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the mitigation shall be completed. **Monitoring:** The [DPLU, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [DPLU, PCC] can preapprove the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [DPLU, ZONING] shall accept an application for an RMP, and [DPLU, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

- (4) **OFF-SITE MITIGATION: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE X2] [DPR, GPM] Intent:** In order to mitigate for the impacts to coast live oak woodland habitat, which is a sensitive biological resource pursuant to Resource Protection Ordinance, and CEQA as implemented by the County of San Diego Guidelines for Determining Significance for Biological Resources, offsite mitigation shall be acquired. **Description of Requirement:** The applicant shall purchase habitat credit, or provide for the conservation of habitat of a minimum of 1.14 acres of coast live oak

woodland, habitat located the Santa Margarita / Northern Foothill Eco-region and Santa Margarita River watershed as indicated below.

- a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Game. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
 - i. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 - ii. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 - iii. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 - iv. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat of the same amount and type of land located in Santa Margarita / Northern Foothill Eco-region and Santa Margarita River watershed as indicated below:
 - i. The type of habitat and the location of the proposed mitigation, should be pre-approved by [DPLU, PCC] before purchase or entering into any agreement for purchase.
 - ii. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of DPLU. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.

- iii. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of DPLU. The land shall be protected in perpetuity.
- iv. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of DPLU: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
- v. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

Documentation: The applicant shall purchase the offsite mitigation credits and provide the evidence to the [DPLU, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [DPLU PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [DPLU, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [DPLU, ZONING]. **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the mitigation shall be completed. **Monitoring:** The [DPLU, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [DPLU, PCC] can preapprove the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [DPLU, ZONING] shall accept an application for an RMP, and [DPLU, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

- (5) **OPEN SPACE SIGNAGE: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE].**
Intent: In order to protect the proposed open space easement from entry, informational signs shall be installed. **Description of Requirement:**

Open space signs shall be placed along the biological open space boundary of Lots 1, 9, 10, 11, 12, and 14 as indicated on the approved Tentative Map. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,
Department of Planning and Land Use
Reference: (TM 5502 & ER 06-01-002)

Documentation: The applicant shall install the signs as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the open space signs have been installed at the boundary of the open space easement(s). **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the open space signs shall be installed. **Monitoring:** The [DPLU, PCC] shall review the photos and statement for compliance with this condition.

(6) OPEN SPACE FENCING: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE].

Intent: In order to protect the proposed open space easement from entry, and disturbance, permanent fencing shall be installed. **Description of Requirement:** Open space fencing or walls shall be placed along the biological open space boundary as indicated on the Conceptual Grading and Development Plan. The fencing design shall consist of split rail or three wire strand. **Documentation:** The applicant shall install the fencing as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the open space fencing has been installed. **Timing** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the fencing or walls shall be placed. **Monitoring:** The [DPLU, PCC] shall review the photos and statement for compliance with this condition.

(7) WETLAND PERMITS: [DPLU, PCC] [GP, CP, MA] [DPLU, FEE X2]

Intent: In order to comply with the State and Federal Regulations for the proposed crossing of the jurisdictional drainage parallel to De Luz Road, the following agency permits, or verification that they are not required shall be obtained. **Description of Requirement:** The following permit and agreement shall be obtained, or provide evidence from the respective

resource agency satisfactory to the Director of Planning and Land Use that such an agreement or permit is not required:

- a. A Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers for all project related disturbances of waters of the U.S. and/or associated wetlands.
- b. A Section 1602 Streambed Alteration Agreement issued by the California Department of Fish and Game for all project related disturbances of any streambed.

Documentation: The applicant shall consult each agency to determine if a permit or agreement is required. Upon completion of the agency review of this project, the applicant shall provide a copy of the permit(s)/agreement(s), or evidence from each agency that such an agreement or permit is not required to the [DPLU, PCC] for compliance.

Timing Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the permits shall be obtained.

Monitoring: The [DPLU, PCC] shall review the permits/agreement for compliance with this condition. Copies of these permits should be transmitted to the [DPW, ESU], for implementation on the grading plans.

- (8) **BIOLOGICAL MONITORING: [DPLU, PCC] [DPW, LDR] [GP, IP, MA] [DPLU, FEE X2]. Intent:** In order to prevent inadvertent disturbance to the biological open space and to prevent additional impacts to the tributary of the Santa Margarita River, all grading located 100 feet from the biological open space and all grading and construction in association with the proposed access road tributary crossing shall be monitored by a biologist. **Description of Requirement:** A County approved biologist "Project Biologist" shall be contracted to perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities 100 feet from the biological open space and in association with the access road tributary crossing. The following shall be completed:

- a. The Biologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of [the County of San Diego Biological Report Format and Requirement Guidelines](#) and this permit. The contract provided to the county shall include an agreement that this will be completed, and a [Memorandum of Understanding \(MOU\)](#) between the biological consulting company and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.

- b. The cost of the monitoring shall be added to the grading bonds that will be posted with the Department of Public Works, or bond separately with the Department of Planning and Land Use.

Documentation: The applicant shall provide a copy of the biological monitoring contract, cost estimate, and MOU to the [DPLU, PCC]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **Timing:** Prior to the approval of any plan, issuance of any permit and prior to approval of the map, the requirement shall be completed. **Monitoring:** The [DPLU, PCC] shall review the contract, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [DPW, Project Manager], for inclusion in the grading bond cost estimate, and grading bonds. The [DPW, PC] shall add the cost of the monitoring to the grading bond costs.

The following Grading and or Improvement Plan Notes shall be placed on the Preliminary Grading Plan and made conditions of the issuance of said permits. An email or disc will be provided with an electronic copy of the grading plan note language.

PRE-CONSTRUCTION MEETING: *(Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

- (9) **“BIOLOGICAL MONITORING: [DPLU, PCC] [DPW, PDCI] [PC] [DPLU, FEE X3]. Intent:** In order to prevent inadvertent disturbance to the biological open space and to prevent additional impacts to the tributary of the Santa Margarita River, all grading located 100 feet from the biological open space and in association with the access road tributary crossing shall be monitored by a biological monitor. **Description of Requirement:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities 100 feet from the biological open space and in association with the access road tributary crossing. “The Project Biologist shall also perform the following duties before construction to comply with the conditions of this Grading Plan:

- a. Supervise and verify placement of temporary fencing of open space easements. The placement of such fencing shall be approved by the DPLU, Permit Compliance Section.

- b. The Biologist shall attend the preconstruction meetings and other meetings to discuss construction requirements. Such meeting shall include the DPLU Permit Compliance Section.

Documentation: The Biological Monitor shall prepare written documentation that certifies that the temporary fencing has been installed and that all construction staff has been trained on the site sensitive biological resources that are to be avoided. **Timing:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **Monitoring:** The [DPW, PDCI] shall invite the [DPLU, PCC] to the preconstruction conference to coordinate the Biological Monitoring requirements of this condition. The [DPLU, PCC] shall attend the preconstruction conference and verify the installation of the temporary fencing and approve the training documentation prepared by the biologist.

- (10) **“TEMPORARY FENCING: [DPLU, PCC] [DPW, PDCI] [PC] [DPLU, FEE]. Intent:** In order to prevent inadvertent disturbance to the biological open space and additional impacts to the tributary of the Santa Margarita River, temporary construction fencing shall be installed. **Description of Requirement:** Prior to the commencement of any grading and or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of all the biological open space and to prevent additional impacts to the tributary of the Santa Margarita River that do not allow grading, brushing or clearing. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary.

- a. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary.
- b. The placement of such fencing shall be approved by the DPLU, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of grading activities after which the fencing shall be removed.

Documentation: The applicant shall provide evidence that the fencing has been installed and have a California licensed surveyor certify that the fencing is located on the boundary of the open space easement(s). The applicant shall submit photos of the fencing along with the certification letter to the [DPLU, PCC] for approval. **Timing:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any

land disturbances the fencing shall be installed, and shall remain for the duration of the grading and clearing. **Monitoring:** The [DPLU, PCC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant.”

- (11) **“RESOURCE AVOIDANCE: [DPLU, PCC] [DPW, PDCI] DPLU, FEE X2].** **Intent and Description of Requirement:** In order to avoid impacts to migratory birds and raptors, which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act, no brushing, clearing, or grading shall occur within 500 feet from the proposed biological open space easement (including no brushing, clearing, or grading activities for access road tributary crossing) during the breeding season of migratory birds and raptors. The breeding season is defined as occurring between February 1st and August 31st. The Director of Planning and Land Use [DPLU, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, provided that no active nests are present in the vicinity of the brushing, clearing or grading. **Documentation:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, No Grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **Timing:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **Monitoring:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [DPLU, PCC] is received. The [DPLU, PCC] shall review the concurrence letter.”
- (12) **“BIOLOGICAL MONITORING: [DPLU, PCC] [DPW, PDCI] [PC] [DPLU, FEE X3].** **Intent:** In order to prevent inadvertent disturbance to the biological open space and additional impacts to the tributary of the Santa Margarita River, all grading located 100 feet from the biological open space and in association with the access road tributary crossing shall be monitored by a biological monitor. **Description of Requirement:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities 100 feet from the biological open space and in association with the access road tributary crossing. The Project Biologist shall supervise and monitor grading activities to ensure against damage to biological resources that are intended to be protected and preserved. The monitor(s) shall be on

site during all grading and clearing activities that are in or adjacent to any Biological open space areas or sensitive habitats. If there are disturbances, the monitor must report them immediately to the [DPLU PCC]. Additionally, the biologist shall perform the following duties: **[DPLU, FEE]**

- a. Perform weekly inspection of fencing and erosion control measures (daily during rain events) near proposed preservation areas and report deficiencies immediately to the DPW Construction Inspector;
- b. Perform periodically monitor the work area for excessive dust generation in compliance with the County grading ordinance and report deficiencies immediately to the DPW Construction Inspector;
- c. Conduct training for contractors and construction personnel, including the purpose for resource protection, a description of the gnatcatcher and its habitat, and the conservation measures that should be implemented during project construction;
- d. Monitor construction lighting periodically to ensure lighting is the lowest illumination possible allowed for safety, selectively placed, shielded, and directed away from preserved habitat;
- e. Monitor equipment maintenance, staging, and fuel dispensing areas to ensure there is no runoff to Waters of the US;
- f. Stop or divert all work when deficiencies require mediation and notify DPW Construction Inspector and DPLU Permit Compliance Section within 24 hours; (8) produce periodic (monthly during grading) and final reports and submit to the Wildlife Agencies and the DPLU (final report will release bond);
- g. Confer with the Wildlife Agencies and DPLU Permit Compliance Coordinator within 24 hours any time protected habitat or gnatcatchers are being affected by construction;
- h. Attend construction meetings and other meetings as necessary.

Documentation: The Project Biologist shall prepare and submit to the satisfaction the [DPLU, PCC] monitoring reports, which indicate that the monitoring has occurred as indicated above. **Timing:** The following actions shall occur throughout the duration of the grading construction. **Monitoring:** The [DPW, PDCI] shall assure that the Project Biologist is on-site performing the Monitoring duties of this condition during all

applicable grading activities as determined by the Biologist. The [DPW, PDCI] shall contact the [DPLU, PCC] if the Project Biologist or applicant fails to comply with this condition. The [DPLU, PCC] shall review and approve the monitoring reports for compliance with this condition.

ROUGH GRADING: *(Prior to rough grading approval and issuance of any building permit).*

(13) BIOLOGICAL MONITORING: [DPLU, PCC] [RG, BP] [DPLU, FEE].

Intent: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to TM 5502, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources](#), a Grading Monitoring Program shall be implemented. **Description of Requirement:** The Project Biologist shall prepare and submit a final letter report substantiating his/her supervision of the grading activities and substantiating that grading did not impact biological open space easements or additional areas of the tributary to the Santa Margarita River or other sensitive biological resources. The report shall conform to the [County of San Diego Report Format Guidelines for Biological Resources](#). It shall also include but not be limited to the following items:

- a. Photos of the temporary fencing that was installed during the trenching, grading, or clearing activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the grading and clearing activities.

Documentation: The applicant shall submit the final biological monitoring report to the [DPLU, PCC] for review and approval. **Timing:** Upon completion of all grading activities, and prior to Rough Grading final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the final report shall be completed. **Monitoring:** The [DPLU, PCC] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

FINAL GRADING RELEASE: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

(14) OPEN SPACE SIGNAGE & FENCING: [DPLU, PCC] [DPW, PDCI] [FG, UO] [DPLU, FEE]. **Intent:** In order to comply with the adopted Mitigation

Monitoring and Reporting Program (MMRP) for TM 5502, the fencing and signage shall be installed. **Description of Requirement:** The permanent fences, and open space signs shall be placed along the open space boundary of Lots 2, 9, 10, 11, 12, and 14 as shown on these plans and the Approved Conceptual Grading and Development Plan for TM 5502, ER 06-01-002.

- a. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.
- b. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,
Department of Planning and Land Use
Reference: (TM 5502 & ER 06-01-002)

Documentation: The applicant shall install the fencing and signage and provide the documentation photos and certification statement to the [DPLU, PCC]. **Timing:** Prior to the occupancy of any structure or use of the premises in reliance, and prior to Final Grading Release ([Grading Ordinance Sec. 87.421.a.3](#)) the fencing and signage shall be installed. **Monitoring:** The [DPLU, PCC] shall review the photos and statement for compliance with this condition.

- (15) **"EASEMENT AVOIDANCE: [DPLU, PCC] [DPW, PDCI] [DPLU, FEE].**
Intent: In order to protect sensitive resources, pursuant to [County Grading Ordinance Section 87.112](#) the open space easements shall be avoided. **Description of Requirement:** The easement indicated on this plan is for the protection of sensitive environmental resources, biological habitat, and coastal sage scrub and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. It is unlawful to grade or clear within an open space easement, any disturbance shall constitute a violation of the [County Grading Ordinance Section 87.112](#) and will result in enforcement action and restoration. The only exception(s) to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.
- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use, Parks and Recreation or the Director of Public Works.
- c. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.

Documentation: The applicant shall provide a letter statement to the [DPLU, PCC] stating that all Sensitive Resource Easements were avoided during the grading construction, and that no impacts or encroachment into the open space occurred. **Timing:** Prior to Final Grading Release the letter verifying the easements were not disturbed shall be submitted. **Monitoring:** The [DPW, PDCI] shall not allow any grading, clearing or encroachment into the open space easement.”

(Administrative Permit Conditions)

(16) BIOLOGICAL MONITORING: [DPLU, PCC] [DPW, LDR] [GP, IP, MA] [DPLU, FEE X2]. Intent: In order to prevent inadvertent disturbance to the biological open space and to prevent additional impacts to the tributary of the Santa Margarita River, all grading located 100 feet from the biological open space shall be monitored by a biologist. **Description of Requirement:** A County approved biologist “Project Biologist” shall be contracted to perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities 100 feet from the biological open space. The following shall be completed:

- a. The Biologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of [the County of San Diego Biological Report Format and Requirement Guidelines](#) and this permit. The contract provided to the county shall include an agreement that this will be completed, and a

Memorandum of Understanding (MOU) between the biological consulting company and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.

- b. The cost of the monitoring shall be added to the grading bonds that will be posted with the Department of Public Works, or bond separately with the Department of Planning and Land Use.

Documentation: The applicant shall provide a copy of the biological monitoring contract, cost estimate, and MOU to the [DPLU, PCC]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **Timing:** Prior to the approval of any plan, issuance of any permit and prior to approval of the map, the requirement shall be completed. **Monitoring:** The [DPLU, PCC] shall review the contract, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [DPW, Project Manager], for inclusion in the grading bond cost estimate, and grading bonds. The [DPW, PC] shall add the cost of the monitoring to the grading bond costs.

C. ARCHAEOLOGY

(Tentative Map Conditions)

APPROVAL OF MAP: THE FOLLOWING SPECIFIC CONDITIONS SHALL BE COMPLIED WITH BEFORE A FINAL MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY OF SAN DIEGO RECORDER: (and where specifically, indicated, conditions shall also be complied with prior to the approval and issuance of grading or other permits as specified):

- (17) **ARCHAEOLOGICAL GRADING MONITORING:** [DPLU, PCC] [DPW, ESU] [MA, GP, IP] [DPLU, FEE X 2] **Intent:** In order to mitigate for potential impacts to undiscovered buried archaeological resources on the project site, a grading monitoring program and potential data recovery program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and CEQA Section 15064.5 an 15064.7. **Description of Requirement:** A County approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform cultural resource grading monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities within 100 meters of CA-SDI-18319,

the Dolores Costello Barrymore Estate. The following shall be completed:

- a. The County approved Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the [County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources](#), and this permit. The contract provided to the County shall include an agreement that the grading monitoring will be completed, and a [Memorandum of Understanding \(MOU\)](#) between the County approved Archaeologist and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.
- b. The cost of the monitoring shall be added to the grading bonds that will be posted with the Department of Public Works, or bond separately with the Department of Planning and Land Use.

Documentation: The applicant shall provide a copy of the Grading Monitoring Contract, cost estimate, and [MOU](#) to the [DPLU, PCC]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **Timing:** Prior to the approval of the map for Lots 6, 7, 12, 13, and 14 and prior to the approval of any plan and issuance of any permit, the contract shall be provided. **Monitoring:** The [DPLU, PCC] shall review the contract, [MOU](#) and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [DPW, LDR], for inclusion in the grading bond cost estimate, and grading bonds. The [DPW, PC] shall add the cost of the monitoring to the grading bond costs, and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

The following Grading and or Improvement Plan Notes shall be placed on the Preliminary Grading Plan and made conditions of the issuance of said permits. An email or disc will be provided with an electronic copy of the grading plan note language.

PRE-CONSTRUCTION MEETING: *(Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

- (18) ARCHAEOLOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [PC] [DPLU, FEE X2] Intent:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to 3100 5502 (TM), a Cultural Resource Grading Monitoring Program shall be implemented. **Description of**

Requirement: The County approved 'Project Archaeologist' and the DPLU Permit Compliance Coordinator (PCC), shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the grading monitoring program. The Project Archaeologist shall monitor original cutting of previously undisturbed deposits within 100 meters of CA-SDI-18319, the Dolores Castello Barrymore Estate. The grading monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological and Historic Resources. **Documentation:** The applicant shall have the contracted Project Archeologist attend the preconstruction meeting to explain the monitoring requirements. **Timing:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **Monitoring:** The [DPW, PDCI] shall invite the [DPLU, PCC] to the preconstruction conference to coordinate the Cultural Resource Monitoring requirements of this condition. The [DPLU, PCC] shall attend the preconstruction conference and confirm the attendance of the approved Project Archeologist.

DURING CONTRUCTION: *(The following actions shall occur throughout the duration of the grading construction).*

- (19) **ARCHAEOLOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [DPLU, FEE X2] Intent:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to 3100 5502 (TM), and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological and Historic Resources](#) , Cultural Resource Grading Monitoring Program shall be implemented. **Description of Requirement:** The Project Archaeologist shall monitor original cutting of previously undisturbed deposits within 100 meters of CA-SDI-18319, the Dolores Castello Barrymore Estate. The grading monitoring program shall comply with the following requirements during grading:
- a. "During the original cutting of previously undisturbed deposits, the Project Archaeologist shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist."

- b. "In the event that significant cultural resources are discovered, the Project Archaeologist shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. At the time of discovery, the Project Archaeologist shall contact the DPLU Staff Archaeologist. The Project Archaeologist, in consultation with the Staff Archaeologist, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the Staff Archaeologist has concurred with the evaluation. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Project Archaeologist and approved by the Staff Archaeologist, then carried out using professional archaeological methods."
- c. "If any human bones are discovered, the Project Archaeologist shall contact the County Coroner. If the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the Project Archaeologist in order to determine proper treatment and disposition of the remains."
- d. "The Project Archaeologist shall submit monthly status reports to the Director of Planning and Land Use starting from the date of the Notice to Proceed to termination of implementation of the grading monitoring program. The reports shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction."

Documentation: The applicant shall implement the grading monitoring program pursuant to this condition. **Timing:** The following actions shall occur throughout the duration of the grading construction. **Monitoring:** The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the Monitoring duties of this condition. The [DPW, PDCI] shall contact the [DPLU, PCC] if the Project Archeologist or applicant fails to comply with this condition.

ROUGH GRADING: *(Prior to rough grading approval and issuance of any building permit).*

(20) ARCHAEOLOGICAL MONITORING: [DPLU, PCC] [RG, BP] [DPLU, FEE]. Intent: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to 3100 5502 (TM), and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Resources](#), a Grading Monitoring Program shall be implemented. **Description of Requirement:** The Project Archaeologist shall prepare one of the following letters upon completion of the grading activities that require monitoring:

- a. If **no archaeological resources** are encountered during grading, then submit a final Negative Monitoring Report substantiating the grading activities within 100 meters of CA-SDI-18319, the Dolores Castello Barrymore Estate, have been completed. Provide monitoring logs showing the date and time that the monitor was on site.
- b. If archaeological **resources were encountered** during grading, the Project Archaeologist shall provide a letter stating that the field grading monitoring activities have been completed, and that resources have been encountered. The letter shall detail the anticipated time schedule for completion of the curation phase of the monitoring.

Documentation: The applicant shall submit the letter report to the [DPLU, PCC] for review and approval. **Timing:** Upon completion of all grading activities, and prior to Rough Grading final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the letter report shall be completed. **Monitoring:** The [DPLU, PCC] shall review the final negative letter report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

FINAL GRADING RELEASE: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

(21) ARCHAEOLOGICAL MONITORING: [DPLU, PCC] [RG, BP] [DPLU, FEE]. Intent: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to 3100 5502 (TM), and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Resources](#), a Grading Monitoring Program shall be implemented. **Description of Requirement:** The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the

Archaeological Monitoring Program if cultural resources were encountered during grading. The report shall include the following:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Evidence that all cultural resources collected during the grading monitoring program have been submitted to a San Diego curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that archaeological materials have been received and that all fees have been paid.
- c. If no cultural resources were discovered, a brief letter to that effect and stating that the grading monitoring activities have been completed, shall be sent to the Director of Planning and Land Use by the Project Archaeologist.

Documentation: The applicant shall submit the letter report to the [DPLU, PCC] for review and approval. **Timing:** Prior to the occupancy of any structure or use of the premises in reliance of 3100 5502 (TM), and prior to Final Grading Release ([Grading Ordinance Sec. 87.421.a.3](#)), for Lots 6, 7, 12, 13, and 14, the final report shall be completed. **Monitoring:** The [DPLU, PCC] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

(Administrative Permit Conditions)

ANY PERMIT: *(Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).*

- (22) ARCHAEOLOGICAL GRADING MONITORING: [DPLU, PCC] [DPW, ESU] [MA, GP, IP] [DPLU, FEE X 2]** **Intent:** In order to mitigate for potential impacts to undiscovered buried archaeological resources on the project site, a grading monitoring program and potential data recovery program shall be implemented pursuant to the [County of San Diego Guidelines for Determining Significance for Cultural Resources](#) and [CEQA Section 15064.5 and 15064.7](#). **Description of Requirement:** A County

approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform cultural resource grading monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities within 100 meters of CA-SDI-18319, the Dolores Costello Barrymore Estate. The following shall be completed:

- a. The County approved Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the [County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources](#), and this permit. The contract provided to the County shall include an agreement that the grading monitoring will be completed, and a [Memorandum of Understanding \(MOU\)](#) between the County approved Archaeologist and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.
- b. The cost of the monitoring shall be added to the grading bonds that will be posted with the Department of Public Works, or bond separately with the Department of Planning and Land Use.

Documentation: The applicant shall provide a copy of the Grading Monitoring Contract, cost estimate, and [MOU](#) to the [DPLU, PCC]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **Timing:** Prior to the approval of the map for Lots 6, 7, 12, 13, and 14 and prior to the approval of any plan and issuance of any permit, the contract shall be provided. **Monitoring:** The [DPLU, PCC] shall review the contract, [MOU](#) and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [DPW, LDR], for inclusion in the grading bond cost estimate, and grading bonds. The [DPW, PC] shall add the cost of the monitoring to the grading bond costs, and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

C. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

(Tentative Map Conditions)

APPROVAL OF MAP: THE FOLLOWING SPECIFIC CONDITIONS SHALL BE COMPLIED WITH BEFORE A FINAL MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY OF SAN DIEGO RECORDER: (and where specifically, indicated, conditions shall also be complied with prior to the approval and issuance of grading or other permits as specified):

(1) COST RECOVERY: [DPLU, DPW, DEH, DPR], [MA, GP, IP]

Intent: In order to comply with [Section 362 of Article XX of the San Diego County Administrative Code](#), Schedule B.5 existing deficit accounts associated with processing this permit shall be paid. **Description of requirement:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **Documentation:** The applicant shall provide a receipt to the Department of Planning and Land Use, Zoning Counter, which shows that all discretionary deposit accounts have been paid. No permit can be issued if there are deficit deposit accounts. **Timing:** Prior to the approval of any map and prior to the approval of any plan and issuance of any permit, all fees and discretionary deposit accounts shall be paid. **Monitoring:** The DPLU Zoning Counter shall review the receipts and verify that all DPLU, DPW, DEH, and DPR deposit accounts have been paid.

(2) DISCRETIONARY APPROVALS: [DPLU, PCC] [MA] [DPLU, FEE]

Intent: In order to ensure that the proposed subdivision complies with the required Zoning for the Parcel the following additional discretionary approvals shall be obtained at the same time as the Tentative Map is approved. **Description of Requirement:**

- a. Obtain approval of an Administrative Permit from the Planning Commission, or the Board of Supervisors.

Documentation: The applicant shall apply for and receive approval of the required discretionary approvals referenced above. Upon approval, provide a copy of the approval to the [DPLU, PCC] for review and approval of this condition. **Timing:** Prior to the approval of the Final Map, the applicant shall comply with this condition. **Monitoring:** The [DPLU, PCC] shall review the discretionary approval for compliance with this condition.

(3) PUBLIC ROAD IMPROVEMENTS: [DPW, LDR], [DPR, TC] [MA]

Intent: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.403](#) and the Community Trails Master Plan, De Luz Road shall be improved. **Description of requirement:** Improve or agree to improve and provide security for De Luz Road improvements as follows:

- a. Widen the existing graded and paved De Luz Road offsite and onsite as necessary to provide a left turn pocket from northbound De Luz Road westerly onto the project's proposed access road Street A, including private-to-public transition at the intersection of De Luz Road and Street A. Guard rails and/or curbs shall be installed if and where required for traffic safety recovery area, drainage, or other concerns. Provide an overhead street light at the intersection of De Luz Road and Street A. All of the above shall be to the satisfaction of the Director of Public Works.
- b. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

All plans and improvements shall be completed pursuant to the [County of San Diego Public Road Standards](#), the DPW [Land Development Improvement Plan Checking Manual](#) and the Community Trails Master Plan. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. **Documentation:** The applicant shall complete the following:

- c. Process and obtain approval of Improvement Plans to improve De Luz Road and the intersection of De Luz Road and Street A.
- d. Provide Secured agreements require posting security in accordance with [Subdivision Ordinance Sec. 81.405 through 81.406.1.](#)
- e. Upon approval of the plans, pay all applicable inspection fees with [DPW, PDC].
- f. If the applicant is a representative, then a one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership

agreement recorded in this County indicating who is authorized to sign for the partnership.

- g. Obtain approval for the design and construction of all driveways, turnarounds, and private easement road improvements to the satisfaction of the North County Fire Protection District and the [DPW, LDR].

Timing: Prior to the approval of the Final Map, the plans, agreements, and securities shall be approved. **Monitoring:** The [DPW, LDR] and [DPR, TC, PP] shall review the plans for constancy with the condition and County Standards. Upon approval of the plans [DPW, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW.

(4) PRIVATE ROAD IMPROVEMENTS: [DPW, LDR], [MA]

Intent: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.403](#), Street A and Street B shall be improved. **Description of requirement:** Improve or agree to improve and provide security for the private easement roads Street A and Street B as follows:

- a. Street A, from Street B (at Lot 3) easterly to De Luz Road, shall be improved both onsite and offsite to a minimum graded width of twenty-eight feet (28') and to a minimum improved width of twenty-four feet (24') with asphalt concrete pavement over approved base, with asphalt concrete dike or curb [where required to control drainage] at a minimum twelve feet (12') from centerline. Improvements shall include transition widening, slopes, drainage, and improvements at the intersection with De Luz Road. The improvement and design standards of Section 3.1(C) of the County Standards for Private Roads for one hundred one (101) to seven hundred fifty (750) trips shall apply.
- b. Street B, from Lot 1 southerly to the gated access at Shady Lane on the southern boundary of the subdivision, shall be improved to a minimum graded width of twenty-eight feet (28') and to a minimum improved width of twenty-four feet (24') with asphalt concrete pavement over approved base, with asphalt concrete dike or curb [where required to control drainage] at a minimum twelve feet (12') from centerline. Improvements shall include transition widening, slopes, and drainage. The improvement and design standards of Section 3.13(D) of the County Standards for Private Roads shall apply.

- c. Street B shall terminate with a cul-de-sac at its northernmost point (common point of intersection of Lots 1, 2, and 9) and also include a cul-de-sac at the common point of intersection of Lots 5, 6, 7, 8, and 13, both graded to a minimum radius of forty feet (40') and surfaced to a minimum radius of thirty-six feet (36') with asphalt concrete pavement over approved base and asphalt concrete dike or curb [where necessary], with face of curb/dike at a minimum thirty-six feet (36') from the radius point. Street B shall terminate at its southernmost point (the gated access at Shady Lane on the southern boundary of the subdivision) with an approved hammerhead turnaround, graded and improved with asphalt concrete to the satisfaction of the North County Fire Protection District.
- d. Roads with less than thirty-six foot (36') improved width will require posting and red striping for no-parking restrictions, to the satisfaction of the North County Fire Protection District. This information shall also be shown on the Final Map as "Non Title Information".
- e. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

All plans and improvements shall be completed pursuant to the [County of San Diego Public Road Standards](#), County of San Diego Private Road Standards, and the DPW [Land Development Improvement Plan Checking Manual](#). The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. **Documentation:** The applicant shall complete the following:

- f. Process and obtain approval of Improvement Plans to improve Street A, Street B, the two (2) cul-de-sacs, and the hammerhead turnaround.
- g. Provide Secured agreements require posting security in accordance with [Subdivision Ordinance Sec. 81.405 through 81.406.1.](#)

- h. Upon approval of the plans, pay all applicable inspection fees with [DPW, PDC].
- i. If the applicant is a representative, then a one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

Timing: Prior to the approval of the Final Map, the plans, agreements, and securities shall be approved. **Monitoring:** The [DPW, LDR] shall review the plans for constancy with the condition and County Standards. Upon approval of the plans [DPW, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW.

(5) PAVEMENT CUT POLICY: [DPW, LDR] [GP, IP,MA]

Intent: In order to prohibit trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface, and to comply with County Policy RO-7 adjacent property owners shall be notified and solicited for their participation in the extension of utilities. **Description of requirement:** All adjacent property owners shall be notified who may be affected by this policy and are considering development of applicable properties, this includes requesting their participation in the extension of utilities to comply with this policy. No trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface. **Documentation:** The applicant shall sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy to the satisfaction of the Department of Public Works (DPW), and submit it to the [DPW LDR] for review. **Timing:** Prior to the approval improvement plans and the approval of the Final Map, the letters shall be submitted for approval. **Monitoring:** The [DPW, LDR] shall review the signed letters.

(6) SIGHT DISTANCE: [DPW, LDR] [MA]

Intent: In order to comply with the Design Standards of Section 6.1.(E) of the [County of San Diego Public Road Standards](#) and/or Section 3.2 (G) of the [County of San Diego Private Road Standards](#), an unobstructed view for safety while exiting the property and accessing a public road from the site, and unobstructed sight distance shall be verified. **Description of requirement:** Have a Registered Civil Engineer, a Registered Traffic

Engineer, or a Licensed Land Surveyor provide a certified signed statement that: "Physically, there is minimum unobstructed sight distance based upon County Public Road Standards Section 6.1.E in both directions along De Luz Road from Street A."

- a. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: "Said lines of sight fall within the existing road right-of-way and a clear space easement is not required."
- b. The engineer or surveyor shall further certify that: "The sight distance of adjacent driveways and street openings along De Luz Road will not be adversely affected by this project."

Documentation: The applicant shall complete the certifications and submit them to the [DPW, LDR] for review. **Timing:** Prior to the approval of the Final Map, the sight distance shall be verified. **Monitoring:** The [DPW, LDR] shall verify the sight distance certifications.

(7) PUBLIC ROAD CONNECTION: [DPW, LDR] [MA].

Intent: In order to ensure that the subdivision is connected to a publicly maintained road and to comply with the [County Subdivision Ordinance Section 81.402](#), recorded documentation shall be provided. **Description of requirement:** Recorded documentation showing that the land division is connected to a publicly maintained road by an easement for road purposes shall be provided. The easement shall be forty feet (40') wide as specified in County Subdivision Ordinance Section [81.402](#), unless proof is furnished that a lesser width is applicable under Section 81.402 of the County Code, and shall be for the benefit and use of the property being divided. Recordation data for said easement shall be shown on the Final Map. This requirement applies to off-site access to all proposed lots using Street A to access De Luz Road. Also, provide documentation of a recorded Covenant For Private Road Easement to ensure that TM 5502 access (Street A) from De Luz Road across APN 103-072-43, will be reserved and available for use of TM 5502 in perpetuity

Documentation: The applicant shall submit to the [DPW, LDR], proof that the subdivision is connected to a publicly maintained road, and indicate the access on the Final Map. **Timing:** Prior to the approval of the Final Map, the connection shall be verified. **Monitoring:** The [DPW, LDR] shall verify that the evidence provided meets the requirement of this condition.

(8) DRAINAGE MAINTENANCE AGREEMENTS: [DPW, LDR], [MA]

Intent: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.403](#) and to comply with the [County Flood Damage Prevention Ordinance \(Title 8, Division 11\)](#), [County Watershed Protection Ordinance \(WPO\) No.9926, County Code Section 67.801 et. seq.](#), the maintenance agreements shall be completed. **Description of requirement:**

- a. The private storm drain system shall be maintained by a maintenance mechanism such as a homeowners association or other private entity to the satisfaction of the Director of Public Works.

Documentation: The applicant shall complete the following process and obtain approval of the maintenance mechanism, and pay the deposit and applicable review fees. **Timing:** Prior to the approval of the Final Map, the maintenance mechanism shall be approved. **Monitoring:** The [DPW,LDR] shall review the agreements/mechanisms for constancy with the condition and County Standards.

(9) LINES OF INUNDATION: [DPW, LDR] [MA]

Intent: In order to prevent future development in the flood plain and to comply with County ordinances and standards, the Flood Lines of Inundation shall be shown on the map. **Description of requirement:** Lines of inundation to the limits of the 100- year flood along the watercourse, which flows through the property, shall be shown and labeled "Subject To Inundation By The 100- Year Flood" on the non-title information sheet of the Final Map.

- a. A Civil Engineer shall provide the necessary hydrology and hydraulics to define the 100-year floodplain inundation limits and annotate the limits on a copy of the approved Tentative Map.
- b. Each lot shall have a flood free building site to the satisfaction of the County of San Diego, Director of Public Works. If any of the lots are found to be devoid of a buildable, flood free site for a residence, the subdivider shall take appropriate action so that each lot does have a buildable flood free site. This pertains to watersheds having area of twenty five (25) or more acres.

Documentation: The applicant shall indicate the inundation lines on the Final Map as indicated above. **Timing:** Prior to the approval of the Final Map, the inundation lines shall be indicated and labeled on the map.

Monitoring: The [DPW, LDR] shall verify that the inundation lines have been indicated pursuant to this condition.

(10) ROAD DEDICATION: [DPW, LDR] [DGS, RP] [MA].

Intent: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.403](#), road right of way for De Luz Road shall be dedicated to the County. **Description of requirement:** Dedicate on the map to the County of San Diego an easement for road purposes on the project side of the road along the project frontage, in accordance with [County of San Diego Public Road Standards](#) for De Luz Road, to a one-half right-of-way width of thirty feet (30') from centerline, together with right to construct and maintain slopes and drainage facilities, to the satisfaction of the Director of Public Works.

The dedication shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted for public use. **Documentation:** The applicant shall dedicate the easement on the map and show it as accepted. **Timing:** Prior to the approval of the Final Map, the dedication shall be provided for road with the recordation of the Final Map. **Monitoring:** The [DPW, LDR] shall verify that the dedication is indicated on the map and accepted by the County.

(11) IRREVOCABLE OFFER OF DEDICATION: [DPW, LDR] [MA]

Intent: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.402](#), an Irrevocable Offer of Dedication (IOD) shall be granted for De Luz Road (SA 10), a Collector Road with bike lanes. **Description of requirement:** Grant an Irrevocable Offer of Dedication (IOD) for real property for public highway as indicated below:

- a. An IOD shall be granted to complete a forty-seven foot (47') wide, one-half right-of-way width on each side of the ultimate centerline [minimum centerline radius twelve hundred feet (1,200')], plus the right to construct and maintain slopes and drainage improvements as required beyond the forty-seven foot (47') limit for that portion within the land division for De Luz Road (SA 10), a Collector Road with bike lanes.
- b. Any dedication, offer of dedication, or grant of right-of-way shall be free of any burdens or encumbrances which would interfere with the purposes for which the dedication or offer of dedication is required, per [Section 81.402 of the County Code](#), at the time of recordation of the Final Map. All easements of any type must be plotted on the Final Map.

Documentation: The applicant shall dedicate the IOD as indicated above. The applicant shall prepare the legal descriptions of the easements, and submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the easement documents to the [DPW, LDR] for review. **Timing:** Prior to the approval of the Final Map, the IOD shall be granted. **Monitoring:** The [DPW, LDR] shall verify that the dedication is indicated on the map and approved by the County. The [DGS, RP] shall prepare, approve the easement documents for recordation, and forward the recorded copies to [DPW, LDR] for review and approval. The [DPW, LDR] shall review that that the off-site granting complies with this condition.

(12) CENTERLINE LOCATION: [DPW, LDR] [MA].

Intent: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.403](#), the centerline of De Luz Road (SA 10) shall be shown on the subdivision map. **Description of requirement:** The desired location of the centerline for De Luz Road (SA 10) shall be determined, which is shown on the Circulation Element of the County General Plan as a Collector Road with bike lanes. The following shall be shown on the Final Map:

- a. The centerline location as approved by the Department of Public Works.
- b. Since De Luz Road (SA 10) is not required to be constructed to ultimate, the following shall be shown on the Final Map as "nontitle" information:
 - i. The width of the right-of-way which is forty-seven feet (47') from the centerline and identified by a line drawn at the appropriate location and labeled, "Limit of Proposed Street Widening."
 - ii. The additional five feet (5') is for a bicycle facility.
 - iii. A building line which is seventy-seven feet (77') from the centerline of the road, identified by a line drawn at the appropriate location and labeled, "Limit of Building Line."
 - iv. Show the ultimate slopes and drainage facilities on the Final Map. A profile and cross-sections sufficient to verify these

limits shall be submitted to Route Locations of the Department of Public Works for review and approval.

Documentation: The applicant shall indicate the centerline on the map as indicated above. **Timing:** Prior to the approval of the Final Map, the centerline shall be indicated on the map. **Monitoring:** The [DPW, LDR] shall verify that the centerlines are indicated on the map.

(13) PRIVATE ROAD MAINTENANCE AGREEMENT: [DPW, LDR] [MA].

Intent: In order to ensure that the private roads approved with this subdivision are maintained, the applicant shall assume responsibility of the private roads. **Description of Requirement:** A maintenance agreement shall be executed that indicates the following:

- a. Maintenance shall be provided through a private road maintenance agreement satisfactory to the Director of Public Works.
- b. The Director of Public Works shall be notified as to the final disposition of title (ownership) to Street A and Street B, and place a note on the Final Map as to the final title status of said roads.
- c. Access to each lot shall be provided by private road easement not less than forty feet (40') wide.

Documentation: The applicant shall sign the private road maintenance agreement to the satisfaction of the Director of DPW and indicate the ownership on the map as indicated above. **Timing:** Prior to the approval of the Final Map, the agreement shall be executed and the ownership shall be indicated on the map. **Monitoring:** The [DPW, LDR] shall review the executed agreement and the map for compliance with this condition.

(14) RELINQUISH ACCESS: [DPW, LDR] [DGS, RP] [MA]

Intent: In order to promote orderly development and to comply with the [Public Facilities Element and the Circulation element of the General Plan](#), access shall be relinquished onto De Luz Road and De Luz Road (SA 10).

Description of requirement: Relinquish access rights onto De Luz Road and De Luz Road (SA 10) along the frontage of the property's easterly boundary. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required. **Documentation:** The applicant shall prepare the pages of the Final Map and present them for review to [DPW, LDR]. Upon plotting of the relinquishment of access, the applicant shall provide copies of the documents to [DGS, RP] for review. **Timing:** Prior to the approval of the

Final Map, the access shall be relinquished. **Monitoring:** The [DPW, LDR] shall prepare and process the relinquishment of access with the Final Map and forward a copy of the recorded documents to [DGS, RP] for review and approval.

(15) EROSION CONTROL: [DPW, LDR] [DPW, PDCI] [MA, IP, GP].

Intent: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [San Diego Regional Water Quality Control Board \(RWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 9926](#) and all other applicable ordinances and standards for this priority project.

Description of Requirement: The applicant shall maintain the appropriate onsite and offsite Best Management Practices pursuant to the approved Stormwater Management Plan (SWMP) and Stormwater Protection Plan (SWPP) including, but not limited to, erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measure.

- a. An agreement and instrument of credit shall be provided pursuant to [Subdivision Ordinance 81.406](#), for an amount equal to the cost of this work as determined or approved by the [DPW, LDR], in accordance with the [County of San Diego Grading Ordinance Section](#). The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to the County Department of Public Works authorizing the use of this deposit for emergency measures.
- b. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County Department of Public Works to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County Department of Public Works by the date agreed.

Documentation: The applicant shall provide the letter of agreement and any additional security and or cash deposit to the [DPW, LDR] for approval with the final submittal of all grading and improvement plans for the subdivision and required improvements as indicated above. **Timing:** Prior to approval of the subdivision map for all phases, and the approval of any plan and the issuance of any permit, the agreement and securities shall be executed. **Monitoring:** The [DPW, LDR] shall ensure that the agreement and the securities provided adequately satisfy the requirements of this conditions to potentially perform the required erosion

control and stormwater control measures proposed on all construction and grading plans. The [DPW, PDCI] shall use the securities pursuant to the agreement to implement and enforcement the required stormwater and rosin control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

(16) TRAIL EASEMENT: [DGS, RP] [DPR, TC] [MA]

Intent: In order to promote orderly development by providing a trail connection pursuant to Section 21 of the County of San Diego General Plan, Community Master Trails Plan and to comply with the County Subdivision Ordinance Sections 81.401(n) and 81.402.v, the applicant shall dedicate public non-motorized multi-use trails easements.

Description of requirement: The applicant shall offer to dedicate to the County of San Diego on the Final Map a fifteen (15) foot wide non-motorized multi-use trail easement as follows:

- a. Along the western boundary of Lot 1 (starting at the Open Space Easement south), 2, 3, 4 and 5;
- b. Along the southern boundaries of Lots 5, 6, 7, 14;
- c. Along the southern and westerly Open Space Easement perimeter of Lot 1;
- d. A portion of the north-east corner of Lot 9;
- e. The northern boundary of Lot 10;
- f. Along the southern boundary of the Open Space Easement of Lot 11;
- g. Along the eastern boundary Lot 11 starting south of the Open Space Easement and crossing Street "A" to intersect with the trail easement on the south side of Street "A"; and

The applicant shall offer to dedicate to the County of San Diego on the Final Map a ten (10) foot wide non-motorized multi-use trail easement as follows:

- h. Starting at the eastern subdivision boundary, within the private road easement, on the south side of Street "A";
- i. Starting at the intersection of Street "A" and Street "B", within the private road easement, on the east side of Street "B" to the

southern subdivision boundary at Shady Lane; and

as shown on the approved Tentative Map. **Documentation:** The offer of dedication to the County of San Diego shall be shown as accepted on the Final Map. **Timing:** The applicant shall offer to dedicate the trail easements to the County on the Final Subdivision Map. **Monitoring:** A copy of the recorded Final Map shall be transmitted to [DPR, TC].

In addition, the applicant shall dedicate a ten (10) foot wide public non-motorized multi-use trail easement for public access from De Luz Road. **Description of requirement:** The applicant shall dedicate by separate document to the County of San Diego, a ten (10') foot wide non-motorized multi-use trail easement from the eastern subdivision boundary to De Luz Road on the south side of Street "A" within the private road easement. **Documentation:** The applicant shall prepare the legal descriptions of the easement, submit them to [DGS, RP], and pay all applicable fees. Upon acceptance by the County of the dedication, the applicant shall submit the recorded copy of the easement(s) to the [DPR, TC]. **Timing:** Prior to the approval of the map, the applicant shall dedicate the trail easement to the County by separate document. **Monitoring:** Upon submittal of the easement legal description(s), application and fees, [DGS, RP] [DPR, TC] [DPW, LDR] shall review the documents and application for approval, and accept the dedication. A copy of the recorded trail easement document shall be transmitted to [DPR, TC] and [DPLU, PCC] [DPW LDR]. The [DPR, TC] [DPW LDR] shall review the recorded easement for compliance with this condition. The [DPW, LDR] [DPR, TC] shall ensure that the easement is indicated on the map.

(17) TM TRAIL IMPROVEMENTS [DPR, TC] [DPW, LDR] [MA]

Intent: In order to promote orderly development by providing a trail connection pursuant to Section 21 of the County of San Diego General Plan, Community Master Trails Plan and to comply with the Subdivision Ordinance Section 81.403. through 81.406.1, the applicant shall improve the trail easements. **Description of requirement:** Improve or agree to improve to the satisfaction of the Department of Parks and Recreation and/or the Department of Public Works, the trail easements as follows:

- a. The fifteen (15) foot wide trail easement shall be clear and free of encroachments. The easement shall be brushed and/or bladed to clearly define the trail easement limits;
- b. The ten (10) foot wide easement within Streets "A" and "B" shall be graded to the full width of ten (10) feet and improved to a minimum

six (6) feet with the exception of the section of trail crossing the drainage which will have a total of six (6) feet clear, constructed tread width. All landscaping, irrigation systems and fences are to be set outside the ten (10') foot trail easement;

- c. Trail markers shall be installed at all trail access points (trail heads), along streets, intersections, changes in direction, etc. to ensure users stay on designated trail easements; and

all as indicated on the approved Tentative Map. The trail easement shall be constructed pursuant to the Community Trails Master Plan Design and Construction Guidelines. **Documentation:** The applicant shall prepare improvement plans and provide securities for the construction of the trail and all associated work. All plans and improvements shall be completed pursuant to the Community Trails Master Plan Design and Construction Guidelines, and the DPW Land Development Improvement Plan Checking Manual. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. The applicant shall complete the following:

- d. Process and obtain approval of Improvement Plans to improve
- e. Provide Secured agreements require posting security in accordance with Subdivision Ordinance Sec. 81.405 through 81.406.1.
- f. Upon approval of the plans, pay all applicable inspection fees with [DPW, PDC] and the [DPR, TC]

The plans shall be submitted to [DPR, TC] and or [DPW, LDR], for review and approval. **Timing:** Prior to the approval of the map for TM #5502, the applicant shall improve the trails or agree to improve the trails and provide security. **Monitoring:** The [DPR, Trails Coordinator] and/or [DPW, LDR] shall review the plans for conformance with the Community Trails Master Plan Design and Construction Guidelines, County of San Diego Public Road Standards and approve all financial securities for the construction of the trail facility.

(Administrative Permit Conditions)

ANY PERMIT: (Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).

(18) **COST RECOVERY:** [DPLU, DPW, DEH, DPR], [GP, CP, BP, UO]

Intent: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **Description of requirement:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **Documentation:** The applicant shall provide a receipt to the Department of Planning and Land Use, Zoning Counter, which shows that all discretionary deposit accounts have been paid. No permit can be issued if there are deficit deposit accounts. **Timing:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and discretionary deposit accounts shall be paid. **Monitoring:** The DPLU Zoning Counter shall review the receipts and verify that all DPLU, DPW, DEH, and DPR deposit accounts have been paid.

(19) RECORDATION OF DECISION: [DPLU], [GP, CP, BP, UO]

Intent: In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **Description of requirement:** The applicant shall sign, notarize and return the Recordation Form, with Decision attached, to DPLU. **Documentation:** Signed and notarized Recordation Form with Decision attached. **Timing:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, a signed and notarized copy of the Decision shall be recorded by DPLU at the County Recorder's Office. **Monitoring:** The DPLU Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at DPLU.

GRADING PERMIT: (Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits).

(20) PLAN CONFORMANCE: [DPW, ESU] [GP, IP,] [DPR, TC, PP]

Intent: In order to implement the required mitigation measures for the project, the required grading plans shall conform to the approved Conceptual Grading and Development Plan pursuant to [Section 87.207 of the County Grading Ordinance](#). **Description of requirement:** The grading plans shall conform to the approved Conceptual Grading and Development Plan, which includes all of the following mitigation measures: biological monitoring and cultural resource monitoring. All conditions, requirements, mitigation measure and information stated on the sheets of the plans shall be made conditions of the permit's issuance and shall be implemented pursuant to the adopted mitigation Monitoring

and Reporting Program (MMRP) of this Permit. No deviation of the requirements can be made without modification of this permit.

Documentation: The applicant shall submit the grading plans and improvement plans, which conform to the conceptual development plan for the project. **Timing:** Prior to approval of any grading or improvement plan and prior to issuance of any grading or construction permit, the notes and items shall be placed on the plans as required. **Monitoring:** The [DPW, Environmental Services Unit Division, DPR, TC, or DPLU, Building Division for Minor Grading] shall verify that the grading and or improvement plan requirements have been implemented on the final grading and or improvement plans as applicable. The environmental mitigation notes shall be made conditions of the issuance of said grading or construction permit.

OCCUPANCY: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

(21) SITE PLAN IMPLEMENTATION: [DPLU, BI] [UO] [DPR, TC, PP].

Intent: In order to comply with the approved project design indicated on the approved Tentative Map, the project shall be constructed as indicated on the approved building and construction plans. **Description of**

Requirement: The site shall conform to the approved Administrative Permit and Tentative Map. This includes, but is not limited to: improving all parking areas trails, parks and driveways, installing all required design features, painting all structures with the approved colors, trash enclosures are properly screened, required and approved signage is installed and located properly, and all temporary construction facilities have been removed from the site. **Documentation:** The applicant shall ensure that the site conforms to the approved plot plan and building plans. **Timing:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to the approved plans.

Monitoring: The [DPLU, Building Inspector] and DPR [TC, PP] shall inspect the site for compliance with the approved Building Plans.

ONGOING: *(Upon establishment of use The following conditions shall apply during the term of this permit).*

(22) SITE CONFORMANCE: [DPLU, PCO] [OG] [DPR, TC, PP].

Intent: In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved Tentative Map and all deviations thereof, specific conditions and approved building plans.

Description of Requirement: The project shall conform to the approved landscape plan(s), building plans, and plot plan(s). This includes, but is

not limited to maintaining the following: all parking, trails, driveways areas, watering all landscaping at all times, and all lighting wall/fencing and required signage. Failure to conform to the approved plot plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703.

- a. All future accessory structures will only be permitted pursuant to County Zoning Ordinance Section 4835.

Documentation: The property owner and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Modification pursuant to the County of San Diego Zoning Ordinance.

Timing: Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **Monitoring:** The *[DPLU, Code Enforcement Division]* is responsible for enforcement of this permit.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Rich Grunow, Chief
Project Planning Division

RG:MS:ms